

Rule 16. Representation

Any party may be represented by counsel or other representative named by that party. A party intending to be so represented shall notify the other party and the arbitration organization of the name, mailing address, and email address of the representative at least three days prior to the date set for the hearing at which that person is first to appear. When such a representative initiates an arbitration or responds for a party, notice is deemed to have been given.

If counsel or other representative named by the claimant withdraws from representation of any pending matter, the claim shall be dismissed, unless the claimant advises the arbitration organization of the intention to proceed pro se or a replacement counsel or representative is named within 30 days of the sending of the notice of withdrawal.

(Amended effective August 5, 2003; amended effective March 1, 2016.)

Standing Committee Comments (2015)

The amendment in the first paragraph is consistent with the trend of facilitating electronic communications. A similar change has been recommended to the Rules of Civil Procedure.

There have been an increasing number of representatives withdrawing from representation of claimants. This has resulted in a number of unresponsive or unreachable pro se claimants. The language added as the second paragraph of this rule will provide a clear process to follow, for arbitrators, the arbitration organization, and pro se claimants in the event of a withdrawal.